

AMENDED IN SENATE APRIL 22, 2003

AMENDED IN SENATE APRIL 2, 2003

AMENDED IN SENATE MARCH 17, 2003

SENATE BILL

No. 217

Introduced by Senator Sher

(Coauthor: Senator Alpert)

(Coauthors: Assembly Members Jackson and Nation)

February 13, 2003

An act to add Sections 4566 and 4582.1 to the Public Resources Code, relating to forest resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 217, as amended, Sher. Forest resources.

The existing Z'berg-Nejedly Forest Practice Act of 1973 prohibits any person from conducting timber operations unless the person has submitted a timber harvesting plan prepared by a registered professional forester to the Department of Forestry and Fire Protection and received approval of that plan from the Director of Forestry and Fire Protection.

The Forest Practice Act requires the State Board of Forestry and Fire Protection to adopt district forest practice rules and regulations for each district to assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, and wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries. The Forest Practice Act also requires the board to adopt minimum resource conservation standards for each forest district, including standards for even-aged management.

This bill would define “planning watershed” to *in general* mean the contiguous land base and associated watershed system that ~~drains into a class I watercourse that is not less than 3,000 acres and does not exceed 10,000 acres in size~~ forms a fourth order or other watershed typically 10,000 acres or less in size. The bill would require the State Board of Forestry and Fire Protection to adopt regulations that provide standards and procedures for determining the maximum harvest limits for the timberlands of each ownership within a planning watershed.

The bill, until those regulations are operative, would authorize in each 10-year period in any planning watershed area, a maximum of 15% of the timberlands of each ownership in a planning watershed area to be logged by either even-aged regeneration methods or those harvest methods that exceed 70% of the average basal area per acre. The bill would authorize more than 15% of the timberlands of each ownership in the watershed to be harvested in a decade through even-aged regeneration methods if the director, pursuant to board rules, makes specified findings.

The bill would prohibit in any stand of ancient forests, as defined, the conduct of timber harvests using even-aged regeneration harvest methods or timber harvests in which more than 70% of the average conifer and hardwood basal area is removed in one operation, as specified, and would require timber harvests in any stand of ancient forest to comply with specified harvesting requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4566 is added to the Public Resources
 2 Code, to read:
 3 ~~4566. (a) On or before _____, _____, the board shall adopt~~
 4 4566. (a) *The board shall adopt* regulations that provide
 5 standards and procedures for determining the maximum harvest
 6 limits for the timberlands of each ownership within a planning
 7 watershed, including, but not limited to, the amount of a planning
 8 watershed area that may be logged by either even-aged
 9 regeneration methods or those harvest methods that exceed 70
 10 percent of the average basal area per acre. ~~These regulations shall~~
 11 ~~require the department to establish boundaries for all planning~~
 12 ~~watersheds consistent with the procedures established by the board~~

1 ~~and in consultation with the Department of Fish and Game and the~~
2 ~~appropriate California regional water quality control board.~~

3 (b) The procedures established by the board for determining
4 maximum harvest limits within a planning watershed shall include
5 a planning threshold harvest level. The planning threshold shall
6 identify a watershed harvest level for which existing standard best
7 management practices provide feasible protection for resources
8 placed at risk by timber harvesting.

9 (c) Until regulations adopted by the board pursuant to
10 subdivision (a) become operative, in each 10-year period in any
11 planning watershed area, a maximum of 15 percent of the
12 timberlands of each ownership in the planning watershed area may
13 be logged by either even-aged regeneration methods or those
14 harvest methods that exceed 70 percent of the average basal area
15 per acre. More than 15 percent of the timberlands of each
16 ownership in the watershed may be harvested in a decade through
17 even-aged regeneration methods, if the director, pursuant to board
18 rules, makes all of the following findings:

19 (1) Even-aged management is required for regeneration of the
20 species harvested.

21 (2) There will be appropriate spatial distribution of even-aged
22 harvesting among subwatersheds to avoid overconcentration of
23 tree species.

24 (3) Clear and convincing evidence exists that the higher harvest
25 level is appropriate based on past harvest levels and the condition
26 of the watershed.

27 (4) Appropriate mitigation measures recommended by the
28 Department of Fish and Game and the appropriate California
29 regional water quality control board will be carried out to assure
30 that the harvest level will not have a significant cumulative effect
31 on the environment.

32 ~~(d) For purposes of this section, “planning watershed” means~~
33 ~~the land base and associated watershed system that drains into a~~
34 ~~class I watercourse that is not less than 3,000 acres and does not~~
35 ~~exceed 10,000 acres in size. Where a watershed exceeds 10,000~~
36 ~~acres, the department shall subdivide the watershed into smaller~~
37 ~~planning watersheds less than 10,000 acres but greater than 3,000~~
38 ~~acres in size. Where a watershed is less than 3,000 acres in size, the~~
39 ~~department shall combine one or more adjacent tributary~~
40 ~~watersheds to create a planning watershed greater than 3,000 acres~~

~~but less than 10,000 acres in size, that is drained by a single common stream. Watersheds that drain directly into the Pacific Ocean may be less than 3,000 acres. Where 10,000 acres is not a logical watershed planning unit, such as on some Eastside Sierra pine types, the board may provide for the use of larger watersheds, but the size shall be the smallest that is practical and shall encompass contiguous acreage.~~

(d) For purposes of this section, "planning watershed" has the same meaning as in Section 895.1 of Title 14 of the California Code of Regulations, as that section read on January 1, 2003.

SEC. 2. Section 4582.1 is added to the Public Resources Code, to read:

4582.1. (a) No timber harvest using even-aged regeneration harvest methods or in which more than 70 percent of the average conifer ~~and hardwood~~ basal area is removed in one operation, is permitted on any stand of ancient forest.

(b) Harvesting activities on lands subject to this section shall comply with all of the following:

(1) All timber harvests shall be conducted in a manner that ensures that the stand continues to retain a multistoried canopy and to produce habitat characteristics essential to old growth related wildlife species. Following completion of timber harvests within any ancient forest, there shall be retained a multistory canopy, ~~of at least six trees per acre, that are at or above the age of stand culmination of mean annual increment, but not less than 100 years on the highest site lands with at least six trees per acre, that are at or above the average age of the dominant and co-dominant conifer trees and not less than 100 years,~~ and not less than one-half of the volume of downed logs, nonmerchantable live trees, and hard and soft snags. When roads are to be constructed through an ancient forest, trees harvested shall be consistent with the tree removal limits set forth in paragraphs (2) and (3).

(2) Within unentered ancient forests, timber harvests may not occur more frequently than once every 25 years. All harvests on unentered ancient forests are limited to a maximum removal of 50 ~~percent of the trees 10 to 20 inches, inclusive, 21 to 35 inches, inclusive, and 36 inches and larger in diameter at breast height.~~ *percent of the trees 21 to 35 inches, inclusive, 36 to 48 inches, inclusive, 49 to 60 inches, inclusive, and larger than 61 inches in diameter at breast height.* There shall also be minimum retention

or recruitment of structural features and their spatial arrangement, including hard and soft snags, green culls, downed logs, and coarse woody debris.

(3) The first proposed harvest on an entered ancient forest is limited to a maximum removal of 50 percent of the trees ~~10 to 20 inches, inclusive, 21 to 35 inches, inclusive, and 36 inches and larger in diameter at breast height. There shall also be a minimum~~ *21 to 35 inches, inclusive, 36 to 48 inches, inclusive, 49 to 60 inches, inclusive, and larger than 61 inches in diameter at breast height. There shall also be a minimum* retention or recruitment of structural features, including hard and soft snags, green culls, downed logs, and coarse woody debris. Upon any subsequent entry of an entered ancient forest, timber operations may only be conducted pursuant to the selection method, as defined in Sections 913.2, 933.2, and 953.2 of Title 14 of the California Code of Regulations, as those sections read on January 1, 2003.

~~(4) The Department of Fish and Game shall conduct an onsite inspection of any timber harvesting plan proposing a timber operation within an ancient forest prior to the director determining whether the plan conforms with the rules and regulations of the board or with this chapter.~~

(c) Subdivision (a) and paragraphs (1) and (3) of subdivision (b) do not apply to the following:

(1) Authorized emergency sanitation cutting.

(2) Authorized salvage of dead, dying, or deteriorated trees resulting from fire, wind, insects, disease, or flood.

(3) Land that has been approved for conversion to uses other than growing timber pursuant to Article 9 (commencing with Section 4621).

(4) Firebreaks, fuel breaks, and rights-of-way.

(d) As used in this section:

(1) “Ancient forest” means a forested area, with a multistoried canopy, with at least six live trees per acre that ~~are at least 200 years of age~~ *existed before 1800 A.D. and are greater than 60 inches in diameter at stump height for Sierra and Coastal Redwoods, and 48 inches in diameter at stump height for all other tree species.* An ancient forest may be either of the following:

(A) An unentered forested area covering 40 or more acres with no evidence of ~~previous roads or~~ *commercial* timber harvesting and no record of previous harvest activities.

(B) An entered forested area covering 40 or more acres with previous entry for logging that provides essential habitat elements for ancient forest-related wildlife species.

~~(2) “Culmination of mean annual increment” means the age at which the total volume of a timber stand, divided by its age, reaches the maximum volume.~~

~~(3) —~~

(2) “Co-dominant” means a tree with its crown forming the general level of the forest canopy and receiving full light from above, but comparatively little light from the sides. A co-dominant tree usually has a medium sized crown, but is crowded on the sides.

(3) “Dominant” means a tree with a well developed crown extending above the general level of the forest canopy and receiving full light from above and partly from the sides.

(4) “Even-aged regeneration” means clearcutting and the seed step of the shelterwood and seed tree regeneration silvicultural methods, as defined in Sections 913.1, 933.1, and 953.1 of Title 14 of the California Code of Regulations, as those sections read on January 1, 2003.

CORRECTIONS

Text — Page 4.